THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.17940 OF 2005

Date: 20-09-2005

Between:

P.Jyavardhan …Petitioner

And

The State of Andhra Pradesh and others …Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.17940 OF 2005

O R D E R (Per the Hon'ble Sri Bilal Nazki, ACJ)

This writ petition has been filed seeking a Writ of Mandamus directing the respondents to

a. provide necessary effective medicines and medical assistance to the malaria and fever infected persons and tribals who are losing their lives with viral diseases by constituting and sending a special team of medical personnel to the tribal

hamlets of the disease infected agencies in Visakha agency areas and other tribal hamlets of the State forthwith;

b. to take all appropriate measures to eradicate the deadly diseases like malaria, typhoid and tuberculosis that are taking the lives of the tribals in the agency areas every year and to uplift the standard of living of the deprived tribals living in agency areas of State of Andhra Pradesh;

c. to provide nutritious food to the tribals and underprivileged children scattered in the agency areas of Visakhapatnam, Eturunagaram of Warangal district and other agency areas of the State, by protecting the rights guaranteed by the Constitution of India to its citizens under Article 21 and as the law laid down by the apex court and to pass such other order of orders."

Counters have been filed. In the counter-affidavit, on behalf of the second and third respondents, statistics has been given with regard to availability of Medical and Para-Medical staff in the tribal areas of State of Andhra Pradesh. One of the complaints of the petitioner is that the disease of Malaria is increasing and the Government is not taking appropriate steps to curb the menace of Malaria. In the counter-affidavit, it is stated that during the period from January to August, 2005, nine deaths occurred due to Malaria. One death occurred in February, 2005, three deaths each occurred in May and July, 2005 and two deaths occurred in June, 2005. The writ petitioner challenged these figures as well as the claim of the respondents that all steps have been taken to ensure that there are no deaths in future by Malaria.

In order to ensure that the Government is doing all that is possible, we direct the Director of Medical & Health, Andhra Pradesh, Hyderabad to appoint a team of doctors, which may comprise of three persons, who shall visit these tribal areas and report to the Director of Medical & Health as to what more steps are needed to see that the deaths due to Malaria and such other diseases do not take place. The writ petitioner has given us a list of doctors, who are working in the area. While

appointing the team of doctors, the Director of Medical & Health may appoint one of the persons from this list as a member of the team. After the report is received, a copy of the report may be given to the writ petitioner's counsel. If dissatisfied with the report, he shall be at liberty to approach this Court. The report shall be made available within a period of three months.

With these directions, the writ petition is disposed of. No order as to costs.

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(Bilal Nazki, ACJ)

20th September, 2005

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(R.Subhash Reddy,J)

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Note: Issue C.C in two days

B/o

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